

FORTY-SIXTH DAY
(Monday, April 1, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Jones, Traeger.

A quorum was announced present.

Attorney General Jim Mattox offered the invocation as follows:

Father, please lead and guide us as we make the momentous decisions of this State. Be with the leadership of this Senate helping them to do not only Thy will but the will of the people here in Texas. We ask that You give us the direction and give us the wisdom of Solomon as we make these decisions. We ask in Thy Son's blessed name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 28, 1985, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Jones was granted leave of absence for today on account of important business on motion of Senator Howard.

Senator Traeger was granted leave of absence for today on account of important business on motion of Senator Sharp.

MESSAGE FROM THE HOUSE

House Chamber
April 1, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 88, Relating to the reimbursement of jurors for travel and other expenses.

S.B. 114, Authorizing and limiting investments of Texas life, health, or accident insurers; and declaring an emergency. (With substitute)

S.B. 342, Relating to the issuance of and the expiration date of marriage licenses.

S.B. 1235, Relating to the composition of the State Textbook Committee.

H.C.R. 12, Granting Lawrence D. White Associates, Inc., permission to sue the State of Texas and the Texas Board of Corrections.

H.C.R. 85, Granting Gilberto de Jesus Cruz and Dora H. Evans permission to sue the State.

H.B. 104, Relating to the operation of emergency firefighting vehicles through a mutual aid organization.

H.B. 151, Relating to the creation, boundaries, administration, powers, duties, operations and financing of the Quail Creek Municipal Utility District under Art. XVI, Section 59, of the Texas Constitution.

H.B. 156, Relating to the use of donated funds in making certain loans to teachers and future teachers.

H.B. 252, Relating to the administration of a 9-1-1 emergency telephone number system in certain counties and adjacent territory.

H.B. 282, Relating to plastic fabricator liens.

H.B. 293, Relating to certain administrative rules concerning the operation of rural fire prevention district.

H.B. 296, Relating to the regulation of securities; providing penalties.

H.B. 318, Relating to exempting unopposed candidates from filing reports required to be filed within 48 hours of accepting certain contributions.

H.B. 380, Relating to the jurisdiction of the county court and district court in Upshur County.

H.B. 433, Relating to the Texas guaranteed student loan program.

H.B. 685, Relating to governmental exemption from bond and security requirements.

H.B. 728, Relating to certain administrative hearing procedures used by the State Board of Dental Examiners in considering complaints presented to the board.

H.B. 733, Relating to the creation of the County Court at Law of Kerr County.

H.B. 851, Relating to fees charged by county clerks and clerks of county courts for certain probate services.

H.B. 870, Relating to the supplemental compensation of district judges in McLennan County.

H.B. 934, Relating to the regulation of certain private institutions of higher education; providing a penalty.

H.B. 948, Relating to casing that must be used for oil and gas wells.

H.B. 967, Relating to the date for election of directors of the North Plains Ground Water Conservation District No. Two and validation of certain elections, actions, procedures and expenditures of the district.

H.B. 1010, Relating to professional corporations.

H.B. 1042, Relating to the reorganization of the Travis County Municipal Utility District No. 1 as a special law district; the continuation of it as a district and of its outstanding obligations; the issuance of previously....

H.B. 1098, Relating to the composition of the Orange County Juvenile Board.

H.B. 1110, Relating to the jurisdiction of the county civil courts at law of Harris County.

H.B. 1161, Relating to the creation, administration, powers, duties, operations, and financing of the Sutton County Underground Water Conservation District.

H.B. 1198, Relating to the compensation, staff, and office of the district attorney for the 69th Judicial District.

H.B. 1207, Relating to the powers and duties of the Board of Regents of the University of Houston System; amending section 111.38 of the Texas Education Code; and declaring an emergency.

H.B. 1389, Relating to prohibiting the imposition of penalties for the late filing of inconsequential amendments to sworn statements of political contributions and expenditures.

H.B. 1686, Relating to the method of computing the percentage of land owned by persons who protest a zoning change.

The House has reconsidered the vote by which the House adopted the Conference Committee Report on **H.B. 443**, discharged the Conference Committee and appointed a new Conference Committee:

House Conferees: Tejeda, Chairman; Madla, Sutton, Schoolcraft and Pierce

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 706

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 718

S.B. 751

S.B. 1156

S.B. 955

S.B. 952

S.B. 767

C.S.S.B. 162

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Blake and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1302 by Truan Jurisprudence
Relating to the liability of the operator of a boat or motor vehicle for litter offenses; providing a penalty; adding Section 2.08 to the Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes).

S.B. 1303 by Truan Jurisprudence
Relating to persons who commit certain litter offenses; providing penalties.

S.B. 1304 by Truan Natural Resources
Relating to the creation, administration, powers, duties, operations, financing, and organization of the Riviera Water Control and Improvement District.

S.B. 1305 by Truan Education
Relating to the administration of a program providing tuition exemptions for students from certain foreign countries.

- S.B. 1306** by Truan State Affairs
Relating to utility service for certain apartment houses.
- S.B. 1307** by Glasgow Health and Human Resources
Relating to the authority of the Texas Board of Health to adopt rules prescribing fees to be charged for public health services; revising Article 4414c, Vernon's Texas Civil Statutes; and declaring an emergency.
- S.B. 1308** by Glasgow Criminal Justice
Relating to procedures and practices before a municipal or justice court and the authority of justices of the peace and municipal court judges to order incarceration of certain defendants; providing a penalty.
- S.B. 1309** by Glasgow, Parmer, Intergovernmental Relations
McFarland
Relating to the compensation of certain judges in Tarrant County.
- S.B. 1310** by Glasgow State Affairs
Relating to the computation of annuities under the Judicial Retirement System of Texas.
- S.B. 1311** by Glasgow, Lyon Jurisprudence
Relating to punishment for certain offenses involving leaving the scene of a motor vehicle accident.
- S.B. 1312** by Henderson Intergovernmental Relations
Relating to the creation, administration, powers, duties, operations, and financing of the Northgate Crossing Municipal Utility District No. 2.
- S.B. 1313** by Henderson Intergovernmental Relations
Relating to the creation, administration, powers, duties, operations, and financing of the Northgate Crossing Municipal Utility District No. 1.
- S.B. 1314** by Washington Jurisprudence
Relating to a landlord's obligation to maintain savings accounts for, to pay interest on, and to return tenant security deposits.
- S.B. 1315** by Jones Natural Resources
Relating to the boundaries, powers, and duties of and the authority of certain public agencies to contract with the West Central Texas Municipal Water District.
- S.B. 1316** by Jones Finance
Relating to protest payments in tax cases.
- S.B. 1317** by McFarland State Affairs
Relating to the regulation and sale of natural and synthetic natural gas.
- S.B. 1318** by Blake Administration
Relating to the purchase and management of telecommunications and automated information items for state government.
- S.B. 1319** by Blake Natural Resources
Relating to the types of roads on which livestock are prohibited from running at large.
- S.C.R. 101** by Blake Administration
Authorizing the Lieutenant Governor and Speaker of the House of Representatives to appoint necessary special interim committees.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 43

On motion of Senator Harris and by unanimous consent, Senator Krier will be shown as Co-author of S.C.R. 43.

CO-SPONSOR OF HOUSE BILL 8

On motion of Senator Harris and by unanimous consent, Senator Lyon will be shown as Co-sponsor of H.B. 8.

SENATE RESOLUTION 251

Senator Lyon offered the following resolution:

WHEREAS, Monday, April 1, 1985, has been selected as Terrell Day to honor the city and the people of that flourishing community and to recognize their contributions to the State of Texas; and

WHEREAS, Originally a railroad town, Terrell was founded in 1873; today this charming community is the site of many historic homes and buildings, many of which are currently in the process of being renovated; and

WHEREAS, The largest town in Kaufman County, Terrell is an important center of education; both Trinity Valley Junior College and Southwestern Christian Junior College are located in this fine city; and

WHEREAS, Many tourists come to Terrell to take advantage of the annual Heritage Jubilee; this festive celebration offers a livestock show, an antique car show, an arts and crafts bazaar, a five-mile marathon, and a traditionally popular tour of historic homes; and

WHEREAS, The people of Terrell are justifiably proud of the excellent care provided by the Terrell State Hospital; and

WHEREAS, The community spirit in Terrell is understandable; the people of this area have made it one of the outstanding cities in the great State of Texas; in 1983 Terrell brought distinction to its citizens as the recipient of the Governor's Community Achievement Award; and

WHEREAS, It is indeed appropriate that the Senate of the State of Texas recognize Terrell Day and citizens of that fair community for their contributions and accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, commend the City of Terrell and its members and extend to them sincere wishes for a joyous celebration of Terrell Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Terrell in recognition of this splendid occasion and as an expression of congratulations from the Texas Senate.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Lyon introduced a large delegation of City of Terrell residents seated in the gallery.

The Senate welcomed them as guests today.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 28, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE GOVERNOR'S COMMISSION ON PHYSICAL
FITNESS:

For a term to expire June 13, 1987:

CISSY WOOMER
3701 Rivercrest Drive
Austin, Texas 78746

(Ms. Woomer is replacing Mr. James Howard Sundberg of Arlington, Tarrant County, Texas, who resigned.)

TO BE JUDGE OF THE 43rd JUDICIAL DISTRICT COURT, PARKER
COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS
SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

JAMES O. MULLIN
114 West Lee
Weatherford, Texas 76086

(Mr. Mullin is replacing The Honorable Harry Hopkins of Weatherford, Parker County, Texas, who resigned.)

Respectfully submitted,

/s/Mark White
Governor of Texas

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.J.R. 6
S.C.R. 18
S.C.R. 68
S.C.R. 95
S.B. 71
S.B. 126
S.B. 131
S.B. 325
S.B. 397

**SENATE CONCURRENT RESOLUTION 41
WITH HOUSE AMENDMENT**

Senator Mauzy called S.C.R. 41 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Committee Amendment - Gilley

Substitute the following for S.C.R. 41:

SENATE CONCURRENT RESOLUTION

WHEREAS, Herzog Contracting Corporation, a corporation authorized to do business in the State of Texas, alleges that:

(1) it entered into a written contract with the State Department of Highways and Public Transportation to perform construction on Project C-1685-3-45, Highway F.M. 1960, Harris County, Texas;

(2) it met its obligations under the terms of the contract;

(3) the State Department of Highways and Public Transportation delayed and made more expensive its performance by providing a defective or deficient flex base contract specification in the general contract, subjecting it to numerous inspection delays and disruptions resulting in a flex base quantity overrun; and

(4) it suffered damages as a result of severe and unanticipated weather for which it seeks compensation; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Herzog Contracting Corporation is granted permission to sue the State of Texas, the State Highway and Public Transportation Commission, and the State Department of Highways and Public Transportation for any relief to which it may be entitled as a result of this claim; and be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas, on the chairman of the State Highways and Public Transportation Commission, and on the state engineer-director of the State Department of Highways and Public Transportation and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

**SENATE CONCURRENT RESOLUTION 51
WITH HOUSE AMENDMENT**

Senator Mauzy called **S.C.R. 51** from the President's table for consideration of the House amendment to the resolution:

The President laid the resolution and the House amendment before the Senate.

Committee Amendment - Gilley

Substitute the following for **S.C.R. 51**:

SENATE CONCURRENT RESOLUTION

WHEREAS, Brinderson Corporation, a California corporation authorized to do business in the State of Texas, alleges that:

(1) it was the mechanical contractor on three construction projects at The University of Texas Medical Branch at Galveston, Texas, on which J. W. Bateson Company, Inc., was the general contractor;

(2) it met its obligations on those projects; and

(3) the board of regents of The University of Texas System has caused it damages in the performance of its work on those projects, including delays, acceleration, extra work, impact damages, and changes in work and increase in labor and material costs in connection with the mechanical, plumbing, sheet metal, H.V.A.C., and related portions of those projects; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Brinderson Corporation is granted permission to sue the State of Texas and The University of Texas System either in its name or in the name of J. W. Bateson Company, Inc., for any relief to which it may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the Attorney General of the State of Texas and on the chairman of the board of regents of The University of Texas System and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

**SENATE CONCURRENT RESOLUTION 52
WITH HOUSE AMENDMENT**

Senator Mauzy called S.C.R. 52 from the President's table for consideration of the House amendment to the resolution:

The President laid the resolution and the House amendment before the Senate.

Committee Amendment - Hinojosa

Substitute the following for S.C.R. 52:

SENATE CONCURRENT RESOLUTION

WHEREAS, J. A. Tobin Construction Company, a corporation authorized to do business in the State of Texas, alleges that:

(1) it entered into a written contract with the State Department of Highways and Public Transportation to perform construction on Project IR35-7(18)483, Route IH 35, Cooke County, Texas;

(2) it has performed and is performing its obligations to said contract;

(3) that the State Department of Highways and Public Transportation has delayed and made more expensive its performance by, inter alia, substantially increasing the amount of certain quantities of work required to be supplied by the contractor, increasing the scope of work by requiring certain work to be done which was not originally called for in the contract documents, rejecting and refusing the use of certain concrete barrier rail which had been previously approved, and interfering and disrupting the planned construction schedule of J. A. Tobin Construction Company;

(4) as a result of those and other actions taken by the State Department of Highways and Public Transportation, the time required to perform the subject contract has been substantially increased and the costs to perform the contract have been substantially increased, all of which has resulted in damages to J. A. Tobin Construction Company; now, therefore, be it

RESOLVED by the 69th Legislature of the State of Texas, That J. A. Tobin Construction Company is granted permission to sue the State of Texas, the State Highway and Public Transportation Commission, and the State Department of Highways and Public Transportation for any relief to which it may be entitled as a result of the above described contract and matters described herein; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made upon the Attorney General of the State of Texas, the chairman of the State Highway and Public Transportation Commission, and the State Engineer-Director of the State Department of Highways and Public Transportation and that it be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas or by any of its employees, agents, department, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the law of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees, agents, department, agencies, or political subdivisions, but every defense is specifically reserved except the defense of immunity from suit without legislative permission; and, be it further

RESOLVED, That nothing in this resolution affects the state's ability to plead res judicata to any issue; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment to the United States Constitution or as granting permission to sue the state in any federal court.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

COMMITTEE SUBSTITUTE SENATE BILL 356 ON THIRD READING

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 356, Relating to residency requirements for city employees.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up **C.S.S.B. 356** for consideration at this time on its third reading and final passage.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Henderson, Kothmann, Krier, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Uribe, Williams.

Nays: Brown, Harris, Howard, Leedom, McFarland, Montford, Sims, Truan, Washington.

Absent: Whitmire.

Absent-excused: Jones, Traeger.

The bill was read third time and was finally passed by the following vote: Yeas 18, Nays 10.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Henderson, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Uribe, Williams.

Nays: Brown, Harris, Howard, Krier, Leedom, McFarland, Montford, Sims, Truan, Washington.

Absent: Whitmire.

Absent-excused: Jones, Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 1282 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1282, Relating to the issuance of bonds by certain municipalities.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1282 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Whitmire.

Absent-excused: Jones, Traeger.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Whitmire.

Absent-excused: Jones, Traeger.

GUEST PRESENTED

Senator Henderson was recognized and introduced Dr. Ralph A. Rittenhouse of Houston, Capitol Physician for the Day.

The Senate expressed their appreciation to Dr. Rittenhouse for his service.

COMMITTEE SUBSTITUTE SENATE BILL 339 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 339, Relating to the right of eminent domain for the purpose of obtaining access to land dedicated to the Permanent School Fund.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **C.S.S.B. 339** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Montford, Sims.

Absent-excused: Jones, Traeger.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 339 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 339** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Montford, Sims, Washington.

Absent-excused: Jones, Traeger.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Montford, Sims.

Absent-excused: Jones, Traeger.

SENATOR ANNOUNCED PRESENT

Senator Jones who had previously been recorded as "Absent-excused" was announced "Present".

HOUSE BILL 8 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

H.B. 8, Relating to capital punishment for murder of two or more persons and for murder if the actor has previously been convicted of murder or capital murder.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Barrientos, Mauzy, Washington.

Absent-excused: Traeger.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 8** by striking paragraph (6), line 6 through 9, page 2, and relettering following paragraphs.

The committee amendment was read.

On motion of Senator Harris and by unanimous consent, the committee amendment was withdrawn.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 8** by striking paragraph (6), line 6 through 9, page 2, and relettering following paragraphs, and paragraph (f) lines 21-25, page 2.

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Mauzy, Washington and Barrientos asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 8 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland,

Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Barrientos, Mauzy, Washington.

Absent-excused: Traeger.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Washington and Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 1168 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1168, Relating to continuing legal education for judges and court personnel; establishing a judicial and court personnel training fund for sources of funds; imposing certain fees; transferring certain funds; amending Chapter 344, Acts of the 68th Legislature, Regular Session, 1983 (Article 5966b, Vernon's Texas Civil Statutes), by amending Sections 1, 2, and 3 and adding Section 3A and amending Article 5972, Revised Statutes, as amended, and repealing Sections 2 and 3, Chapter 644, Acts of the 68th Legislature, Regular Session, 1983, and Chapter 418, Acts of the 65th Legislature, Regular Session, 1977, as amended (Article 1200f, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1168 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1168** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Traeger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 279 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 279, Relating to the regulation of freshwater fishing tournaments; providing penalties; adding Sections 66.119 and 66.120 to Subchapter B, Chapter 66, Parks and Wildlife Code.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 279 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 279 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Traeger.

The bill was read third time and was passed.

SENATE BILL 620 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 620, Relating to a county's authority to contract with a public or private nonprofit alcoholism prevention, intervention, or treatment program or center and to provide payment for services rendered under the contract.

The bill was read second time.

Senator Sarpalius offered the following committee amendment to the bill:

Amend **S.B. 620** by striking the word "nonprofit" wherever it appears in the bill.

The committee amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 620 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 620** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Traeger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Traeger.

COMMITTEE SUBSTITUTE SENATE BILL 287 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 287, Relating to the creation, administration, powers, duties, operations, financing, and annexation authority of the Somervell County Water District.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 287 as follows:

Amend Section 3 of C.S.S.B. 287 by deleting the language of Section 3 and substituting the following:

SECTION 3. Boundaries. The district's boundaries include all the territory within the boundaries of Somervell County and all of that portion of the territory within the boundaries of Hood County adjacent to Somervell County beginning at a point where the western edge of presently existing Hood County Road number 221 intersects the Hood-Somervell County line and proceeding along the presently existing western edge of County Road 221 in a northerly direction to a point where said County Road 221 intersects the northern edge of presently existing Farm to Market Road 204 and thence in an easterly direction along the northern edge of Farm to Market Road 204 to a point where said northern line of Farm to Market Road 204 is intersected by the eastern edge of presently existing Hood County Road 219B and thence in a northerly direction along the western edge of presently existing Hood County Road 219B to the point where it intersects the southern edge of presently existing Hood County Road 219 and thence in a westerly direction along the southern edge of presently existing Hood County Road 219 to a point where it intersects the western edge of presently existing Hood County Road number 218 and thence in a northerly direction along the western edge of presently existing Hood County Road 218 to a point where the southern edge of presently existing Hood County Road 218A intersects presently existing Hood County Road 218 and thence in a westerly direction along the southern edge of presently existing Hood County Road 218A until it intersects the eastern edge of presently existing Texas Farm to Market Road 2870 and thence in a southerly direction along the generally eastern edge of presently existing Texas Farm to Market Road 2870 to the point where it intersects the Erath-Hood County Line.

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 287 as follows:

Amend Section 15, subsection (d) by deleting the words "without enhancement" in the last sentence after the word "replacement" and before the word "of".

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 287 as follows:

Amend Section 14, subsection (b) by putting the number "5" in the blank portion of subsection (b).

The amendment was read and was adopted.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 287 as follows:

Amend Section 15, subsection (d) by adding the phrase "or distribution" after the phrase "electric transmission".

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 287 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Traeger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Traeger.

SENATE BILL 819 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 819, Relating to the practice of podiatry.

The bill was read second time and was passed to engrossment.

SENATE BILL 819 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 819** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Traeger.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 760 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 760, Relating to procedures by which a property owner may protest certain property tax matters, including the failure of property tax officials to provide notice of certain property tax determinations.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend C.S.S.B. 760 as follows:

(1) On page 1, strike lines 39 and 40 and substitute the following:

“(1) before July 1 or not later than the 20th day after the date on which the appraisal records are submitted as provided by Section 25.22 of this code, whichever is later [prior to the date the appraisal review board approves the appraisal records]; or

(2) On page 1, line 46, strike “(a)(2)” and substitute “(a) [(a)(2)]”.

(3) On page 2, line 1, insert the following immediately after “Act”:

relating to a property owner’s right to protest the failure of the chief appraiser or appraisal review board to provide or deliver a notice to which the property owner is entitled

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The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 760 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 760 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Traeger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Traeger.

CONGRATULATORY RESOLUTIONS

H.C.R. 15 - (Howard): Honoring former State Representative Jimmy Mankins.

H.C.R. 88 - (Brooks): Expressing support for Texas Department of Health programs relating to Alzheimer’s disease.

H.C.R. 112 - (Montford): Extending congratulations to Robert Moreno.

H.C.R. 119 - (Sarpalius): Honoring Lee Martin Harrah.

S.R. 252 - By Lyon: Commending Mrs. Harriet Zumwalt.

S.R. 253 - By Lyon: Commending Kim Hall.

S.R. 254 - By Lyon: Extending congratulations to Douglas E. Flatt.

S.R. 255 - By Henderson: Extending congratulations to Adam D. Schmitt.

S.R. 256 - By Henderson: Commending James M. Delahanty.

- S.R. 257 - By Henderson: Extending congratulations to Paul A. Broman.
S.R. 258 - By Henderson: Commending Stephen H. Lewis.
S.R. 259 - By Henderson: Commending Jeffrey S. Namendorf.
S.R. 260 - By Henderson: Extending congratulations to Howard Tsoi.
S.R. 261 - By Brown: Expressing respect for the Lake Jackson Girls' Softball Association.
S.R. 262 - By McFarland: Commending Michael G. Hardin.
S.R. 263 - By Montford: Commending the Odessa Teen Court.
S.R. 264 - By Sharp: Extending congratulations to Gerald Parker.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:21 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(March 28, 1985)

H.B. 51 (Effective immediately)
H.B. 448 (Effective immediately)
S.B. 65 (Effective immediately)
S.B. 172 (Effective immediately)

(March 29, 1985)

S.B. 27 (Effective September 1, 1985)
S.C.R. 58
S.C.R. 79
S.C.R. 82
H.C.R. 66
H.C.R. 98
H.C.R. 103
H.C.R. 109
H.C.R. 113

Sent to Secretary of State
(April 1, 1985)

S.J.R. 6

Sent to Governor
(April 1, 1985)

S.B. 71
S.B. 126
S.B. 131
S.B. 325
S.B. 397
S.C.R. 18
S.C.R. 68
S.C.R. 95